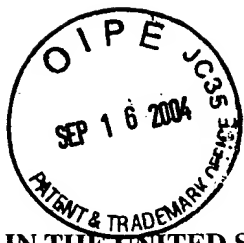


PATENT



ATTORNEY DOCKET NO. 114596-05-4013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/239,194 Confirmation No.: 9716  
Applicant: John S. YATES, Jr., et al.  
Title: COMPUTER WITH NON-NATIVE OPERATING SYSTEM  
Filed: January 28, 1999  
Art Unit: 2127  
Examiner: Kenneth Tang  
  
Atty Docket: 114596-05-4013  
Customer No. 38492

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant wishes to make of record the enclosed items, as listed on the accompanying Form PTO-1449. Applicant respectfully requests the Examiner to fully consider the items and independently ascertain their teaching before issuance of the next action, and to make them of record in the file. The Examiner is also requested to initial and return a copy of the enclosed Form PTO-1449 to evidence such consideration.

1. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated. Applicant reserves the right to establish the patentability of the claims over any information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This Information Disclosure Statement should not be construed as a representation that information more material to the examination of this application does not exist.

2. The references listed on the enclosed Form 1449 are references that have come to light in applications listed in the Information Disclosure Statement of November-December 2000. Applicant has

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on September 13, 2004 as First Class Mail in an envelope with sufficient postage addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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not reviewed all of them in detail. Of those that have been reviewed, none of the references are believed to be any more pertinent than the references provided in earlier IDS' and Forms 1449. However, in an abundance of caution, Applicant requests that they be considered.

3. The following references have been cited in previous IDS's and Forms 1449. They are presented now with more complete bibliographic information. These documents need not be reviewed again; Applicant merely suggests that the bibliographic information in the file be supplemented.

- Compaq Computer Corp., Compiler Writer's Guide for the Alpha 21264 (1999)  
[www.alphalinux.org/archives/axp-list/June1999/0475.html](http://www.alphalinux.org/archives/axp-list/June1999/0475.html)
- Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors," Proceedings of 30th Annual Intl. IEEE/ACM Symp. on Microarchitecture, pp. 292-302 (Dec. 1997)
- Kavi et al., A Performability Model for Soft Real-Time Systems, IEEE Proceedings of the 27th Annual Hawaii International Conference on System Sciences, pp. 571-579 (1994)
- Kim and Tyson: Analyzing the Working Set Characteristics of Branch Execution, Proceedings of the 31st Annual ACM/IEEE International Symposium on Microarchitecture, pp. 49-58 (Dec. 1998)
- M. Lipasti and J. Shen. Exceeding the Data-Flow Limit Via Value Prediction, 29th International Symposium on Microarchitecture, pages 226-237, IEEE (Dec. 1996)

4. This IDS and 1449 is cumulative of the IDS filed June 15, 2004. The June 1449 may be disregarded.

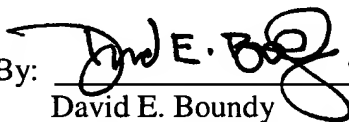
5. Charge the fee of \$180.00 due under C.F.R. §1.17(p) to Deposit Account 23-2405, Order No. 114596-05-4013.

6. The Commissioner is hereby authorized to charge any additional fees that may be required for this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 23-2405, Order No. 114596-05-4013.

Respectfully submitted,

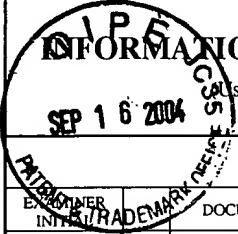
WILLKIE FARR & GALLAGHER LLP

Dated: September 13, 2004

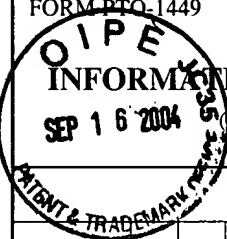
By: 

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| FORM PTO-1449  |                 | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE |                 | ATTY. DOCKET NO.<br>114596-05-4013      |          | SERIAL NO.<br>09/239,194      |  |
|  INFORMATION DISCLOSURE CITATION<br>(Use several sheets if necessary) |                 |  |                 | APPLICANT<br>John S. YATES, Jr., et al. |          |                               |  |
|  |                 |  |                 | FILING DATE<br>January 28, 1999         |          | GROUP ART UNIT<br>2127        |  |
| <b>U.S. PATENT DOCUMENTS</b>   |                 |  |                 |   |          |                               |  |
| EXAMINER<br>INITIALS   | DOCUMENT NUMBER | DATE   | NAME            | CLASS                                   | SUBCLASS | FILING DATE<br>IF APPROPRIATE |  |
|  | 4,412,303       | 10/25/1983   | Barnes          | 712                                     | 16       | Oct. 25, 1983                 |  |
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|  | 5,127,092       | 06/30/1992   | Gupta           | 712                                     | 234      | Jun. 15, 1989                 |  |
|  | 5,339,422       | 8/16/1994  | Brender         | 714                                     | 4        | Mar. 7, 1991                  |  |
|  | 5,386,563       | 01/31/1995   | Thomas          | 712                                     | 228      | Oct. 13, 1992                 |  |
|  | 5,479,616       | 12/26/1995   | Garibay         | 712                                     | 212      | Apr. 3, 1992                  |  |
|  | 5,507,028       | 04/09/1996   | Liu             | 395                                     | 375      | Jan. 9, 1995                  |  |
|  | 5,613,114       | 3/1997   | Anderson        | 718                                     | 108      |                               |  |
|  | 5,613,118       | 03/18/1997   | Heisch          | 395                                     | 709      | Jun. 20, 1994                 |  |
|  | 5,625,835       | 4/1997   | Ebcioglu        | 712                                     | 23       |                               |  |
|  | 5,628,016       | 05/06/1997   | Kukol           | 717                                     | 140      | June 15, 1994                 |  |
|  | 5,659,782       | 08/19/1997   | Senter          | 712                                     | 23       | Sep. 16, 1994                 |  |
|  | 5,764,947       | 06/09/1998   | Murphy          | 703                                     | 20       | Mar. 2, 1994                  |  |
|  | 5,802,337       | 09/01/1998   | Fielden         | 712                                     | 216      | Dec. 29, 1995                 |  |
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|  | 5,911,073       | 06/08/1999   | Mattson         | 395                                     | 701      | Dec. 23, 1997                 |  |
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|  | 6,071,317       | 06/2000  | Nagel           | 717                                     | 128      |                               |  |
|  | 6,081,665       | 06/27/2000   | Nilsen          | 717                                     | 116      | Dec. 19, 1997                 |  |
|  | 6,119,218       | 9/2000   | Arora           | 712                                     | 207      |                               |  |
|  | 6,202,205       | 03/13/2001   | Saboff          | 717                                     | 9        | Jul. 21, 1998                 |  |
|  | 6,237,074       | 05/22/2001   | Phillips        | 711                                     | 213      | May 26, 1995                  |  |
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| FORM PTO-1449  |                 | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE   |              | ATTY. DOCKET NO.<br>114596-05-4013      |          | SERIAL NO.<br>09/239,194      |  |
| <b>INFORMATION DISCLOSURE CITATION</b><br>(Use several sheets if necessary)    |                 |  |              | APPLICANT<br>John S. YATES, Jr., et al. |          |                               |  |
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| <b>U.S. PATENT DOCUMENTS</b>   |                 |  |              |   |          |                               |  |
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|  | 6,260,191       | 07/10/2001   | Santhanam    | 717                                     | 9        | Apr. 7, 1997                  |  |
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|  | 6,631,514       | 10/07/2003   | Le           | 717                                     | 137      |                               |  |
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|  | 6,678,820       | 01/2004  | Kahle        | 712                                     | 239      | Mar. 30, 2000                 |  |
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| INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)                |  |  |  |                                    |                          |
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| <b>EXAMINER</b>  |  |  | <b>DATE CONSIDERED</b>   |                                    |                          |